UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,269	09/24/2003	Scott A. Van Gundy	23215-07991	6540

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ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 September 2004</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-15</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's preliminary amendment filed on September 20,

2004. **Claims 1-15** are now pending in the present application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by

Shaffer US Patent 6,002,751.

Regarding claim 1, Shaffer teaches a method for receiving and storing voice mail

messages, (abstract; fig. 3), the method comprising:

receiving, at a first server, an incoming call, (col. 3, lines 29-37);

determining whether the call is to be transferred to voice mail, (col. 3, lines 32-37); and

responsive to determining that the call is to be transferred to voice mail, (col. 3, lines 32-

37);

determining the call's voice mail extension, (col. 4, lines 23-31);

determining a second server, the second server being the voice mail extension's

home server, (figs 1 and 3);

determining whether the second server is a remote server, (col. 3, lines 28-50); and

responsive to determining whether that the second server is a remote server, (col. 3, lines

28-50);

determining whether the second server is available, (col. 4, line 60-col. 5, line 20);

and

responsive to determining that the second server is not available, storing the voice

mail message in the first server, (col. 5, lines 12-33)

Regarding claim 2, Shaffer, as applied to claim 1, teaches responsive to determining that

the call is not to be transferred to voice mail, handling the call normally, (col. 5, lines 1-2).

Regarding claim 3, Shaffer, as applied to claim 1, teaches responsive to determining that

the second server is not a remote server, storing the voice mail message in the first server, (fig.

3).

Regarding claim 4, Shaffer, as applied to claim 1, teaches responsive to determining that

the second server is available, sending the voice mail message to the second server, (col. 5, lines

3-23).

Regarding claim 5, Shaffer teaches a method for distributing voice mail messages,

(abstract; fig. 3), the method comprising:

determining, at a first server (16,18), whether a second server is available, (col. 4, line

60-col. 5, line 25); and

responsive to determining that the second server (56,58) is available, (col. 5, lines 2-23);

retrieving a voice mail message from the first server, (col. 4, lines 40-47); and

sending the voice mail message to the second server, (col. 4, lines 46-49).

Regarding claim 6, Shaffer, as applied to claim 5, teaches querying a configuration

module for a location of the second server, (col. 4, lines 23-30).

Regarding claim 7, Shaffer, as applied to claim 5, teaches responsive to determining that the second server is available, (col. 4, lines 46-49);

receiving, by the second server, the voice mail message, (col. 4, lines 46-49); and

storing, by the second server, the voice mail message, (col. 5, lines 1-11; fig. 3).

Regarding claim 8, Shaffer teaches an apparatus for receiving, storing and distributing voice mail messages, (abstract; fig. 3), the apparatus comprising:

a call status module, configured to determine whether a call should be transferred to voice mail, (col. 3, lines 28-50);

a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides, (col. 4, lines 23-37); and

a voice mail migration module, configured to send a voice mail message to a remote server, (col. 4, lines 46-49).

Regarding claim 9, Shaffer, as applied to claim 8, teaches the call transfer module is further configured to determine whether the server on which the voice mail extension resides is a remote server, (col. 4, lines 23-37; fig. 1, fig. 3).

Regarding claim 10, Shaffer, as applied to claim 8, teaches a storage interface module, configured to allow modules to store and retrieve data, (col. 3, line 66-col. 4, line 22).

Regarding claim 12, Shaffer, as applied to claim 8, teaches a telephony application programming interface module, configured to allow module access to data on a switch, (col. 3, lines 28-65).

Regarding claim 13, Shaffer, as applied to claim 8, teaches a configuration module, configured to provide information about remote servers, (col. 3, lines 28-65).

Regarding claim 14, Shaffer, as applied to claim 8, teaches an extension library module,

configured to provide common functions that are used by modules, (col. 3, lines 28-65).

Regarding claim 15, Shaffer teaches a system for receiving, storing, and distributing

voice mail messages, (abstract; figs. 1 and 3), the system comprising:

a first apparatus for receiving, storing, and distributing voice mail messages, (col. 3, lines 28-50), the first apparatus comprising:

a first call status module, configured to determine whether a first call should be transferred to voice mail, (col. 3, lines 28-50);

a first call transfer module, configured to determine a first call's voice mail extension and a first sever on which the first voice mail extension resides, (col. 4, lines 23-35); and

a first voice mail migration module, configured to send a first voice mail message to a first remote server, (col. 3, lines 28-50; fig. 3); and

a second apparatus for receiving, storing and distributing voice mail messages, (col. 5, lines 12-34), the second apparatus comprising:

a second call status module, configured to determine whether a second call should be transferred to voice mail, (col. 3, lines 28-50; fig. 3);

a second call transfer module, configured to determine a second call's voice mail extension and a second server on which the second voice mail extension resides, (col. 4, lines 24-35; fig. 3); and

a second voice mail migration module, configured to send a second voice mail message to a second remote server, (col. 4, lines 24-38; fig. 3);

wherein the first apparatus and the second apparatus are coupled to each other, (fig 1).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view

of Sherwood US Patent 6,542,584.

Regarding claim 11, Shaffer, as applied to claim 8, does not specifically teach of an

encoding/decoding module configured to convert audio voice message to a data format, however

the Examiner believes that it would have been obvious if not inherent that Shaffer would have an

audio encoding/decoding module since it was well known in the art for voice mail systems to

take analog voice from the sending party and store the analog voice as digital data.

Nonetheless, Sherwood teaches an audio encoding/decoding module, configured to

convert audio voice mail messages to a data format suitable for storage and to convert voice mail

messages from this storage data format to an audio format, (col. 3, lines 26-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Shaffer by including an encoding/decoding module as taught by

Sherwood so that messages can be stored as digital data which will thus allow less space to be

occupied in the message storage.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Shaffer et al. US patent 5,903,627 teaches of determining at a first server whether a

second server is available and transferring a voice mail message to the second server if the

second server is available.

Caputo et al. US Patent Pub. 2005/0111635 teaches determining at a first server whether

a second server is available and transferring a voice mail message to the second server if the

second server is available.

8.   Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, Virginia 22313-1450

or faxed to:

> (571) 273-8300, (for formal communications intended for entry)

Or:

> (571) 273-7537, (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The

examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante
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March 17, 2006

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